

REMARKS

Preliminary Amendment

Prior to the initial review of the above-identified application on the merits, please enter the Preliminary Amendment presented above. The previous claims have been cancelled and new claims have been presented to facilitate the Examiner's search and examination of the claims. The new claims correspond to the prior claims of Group I and recite the subject matter of the elected subgroup of Group I, which is SEQ ID NO:66, as well as method claims based on Groups III, IV and VII, for which rejoinder is requested as set forth below in response to the Restriction Requirement.

Support for the new claims is found in the original specification as follows:

Claims 115-117 are supported by original Claims 1-4 and the specification on page 61, lines 2-8.

Claim 118 corresponds to original Claim 5.

Claim 119 corresponds to original Claim 6.

Claim 120 is supported by original Claim 5 and the specification on page 62, lines 17-23 and page 69, lines 17-27.

Claim 121 corresponds to original Claim 5.

Claim 122 corresponds to original Claim 6.

Claims 123-125 correspond to original Claim 7.

Claims 126, 131 and 136 correspond to original Claim 8.

Claims 127, 132 and 137 are supported in the specification on page 77, lines 11-14.

Claims 128-130, 133-135 and 138-140 are supported in the specification on page 77, lines 11-14 and page 81, line 11 to page 82, line 25.

Claims 141, 146 and 149 correspond to original Claims 39 and 50.

Claim 142 corresponds to original Claim 45.

Claim 143 is supported in the specification on page 95, lines 23-28, for example.

Claims 144-145, 147-148 and 150-151 correspond to original Claims 53 and 54.

Claims 152-154 correspond to original Claim 55.

Claims 155-157 correspond to original Claim 112.

Restriction Requirement

The Examiner has restricted the claims of the invention into seven groups as set forth on pages 2-3 of the August 2 Office Action. It is noted that Group II should apparently refer to Claims 1-8 instead of Claims 9-38 and 61-111, and that the Examiner intended to present a different group or groups with respect to Claims 9-38 and 61-111. However, as suggested by Examiner Nashed during an informal discussion of this Action on September 15, 2006, Applicants will respond by electing a group of claims and making an appropriate Preliminary Amendment to clarify the election.

Applicants provisionally elect, without traverse, to prosecute the claims of **Group I** (Claims 1-8), directed to the nucleic acid sequence encoding **SEQ ID NO:66**, vector and host cell. With respect to this election, based on the September 15 discussion with Examiner Nashed, it is Applicants' understanding that this election entitles Applicants to claim nucleic acid sequences encoding the recited homologue of SEQ ID NO:66, in addition to nucleic acid molecules comprising a sequence encoding SEQ ID NO:66. The claims have been presented accordingly. Claims 115-140 read on the elected invention.

Applicants have presented method Claims 141-157, which correspond to prior claims from Groups III, IV and VII. If the elected claims of Group I are found to be allowable, Applicants reserve their right to amend the method Claims 141-157 to be commensurate in scope with the product claims of Group I, and to request that such amended method claims that depend from or otherwise include all the limitations of the allowable product be rejoined and examined for patentability. In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1996); In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995).

Any questions or concerns regarding the Preliminary Amendment and Response to Restriction Requirement should be directed to the below-named agent at (303) 863-9700.

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Date: 2 November 2006